

**REMARKS**

**Status of the Claims**

Claims 1, 2, 4-18, 20, 22, and 25-34 are currently pending in the present application. Claims 3, 19, 21, 23, 24, 35, and 36 were previously canceled. Claim 1 is amended to cancel the phrase "higher alcohols." The claim is amended without prejudice or disclaimer. In view of the amendment and the remarks below, reconsideration is respectfully requested.

**Obviousness-Type Double Patenting**

*Rejections based upon U.S. Application Nos. 10/209,336, 11/217,339, 10/975,469, 10/305,110, 10/621,329, and 10/932,138*

Claims 1-2, 4-18, 20, 22, and 25-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting, as allegedly unpatentable over claims 1-38 of copending U.S. Application No. 10/209,336 ('336), claims 1-5 and 10-17 of copending U.S. Application No. 11/217,339 ('339), and claims 1-35 of copending U.S. Application No. 10/975,469 ('469), filed October 29, 2004, in view of Herman, *Encyclopedia of Polymer Science and Technology*, 2003, 1:670-739, (Herman), and further in view of U.S. Publication No. 2004/025162 to Kappel *et al.*, (Kappel), *see Office Action*, page 4, item 5, pages 11-12, item 9, pages 12-14, item 10.

Claims 1, 26, and 27 are also provisionally rejected on the ground of nonstatutory obviousness-type double patenting, as allegedly unpatentable over claims 1-3 of U.S. Application No. 10/305,110 ('110), in view of Herman and Kappel, *see Office Action*, pages 5-6, item 6.

Claims 1 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting, as allegedly unpatentable over claim 1 of copending Application No. 10/621,329 ('329), in view of Herman and Kappel, *see Office Action*, page 7-9, item 7.

Claims 26-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claim 1 of copending U.S. Application No. 10/932,138 ('138), in view of Herman and Kappel, *see Office Action*, pages 14-15, item 11.

Applicants respectfully request that the above-described provisional double patenting rejections be held in abeyance until either the above-identified applications proceed to issuance or allowable subject matter in the instant application is identified, given that the claim scope has not yet become fixed for any of the applications. *See also* MPEP § 804(I)(B)(1).

*Rejection based upon U.S. Patent No. 7,432,054*

Claims 1-2, 4-18, 20, 22, and 25-34 are also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-19 of copending Application No. 10/621,715 ('715), in view of Herman and Kappel. Applicants note that the '715 application issued on October 7, 2008, as U.S. Patent No. 7,432,054 ('054), *see Office Action*, pages 9-10, item 8.

Although not conceding the appropriateness of the Examiner's rejection but merely to advance the prosecution of the present application, attached hereto is a Terminal Disclaimer. Accordingly, the Examiner's rejection based on grounds of non-statutory obviousness-type double patenting over claims 1-19 of co-pending Application No. 10/621,715 has been obviated.

**Issues Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-2, 4-18, 20, 22, and 25-34 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Examiner asserts that the phrase "higher alcohols" as specified in claim 1 is unclear. In particular, the Examiner alleges that it is unclear which alcoholic structures comprising more than two carbons would be effective as antifoaming agents.

Although Applicants do not agree that the claims are indefinite, claim 1 is amended to cancel the phrase "higher alcohols" in order to expedite prosecution. Accordingly, the rejection is moot.

**CONCLUSION**

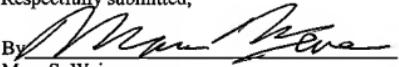
In view of the above Amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **DEC 29 2008**

Respectfully submitted,

By   
Marc S. Weiner  
Registration No.: 32,181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant